

# NORTH DAKOTA LEGISLATIVE MANAGEMENT

## Minutes of the

### TRANSPORTATION COMMITTEE

Wednesday, August 22, 2012  
Roughrider Room, State Capitol  
Bismarck, North Dakota

Senator Gary A. Lee, Chairman, called the meeting to order at 9:00 a.m.

**Members present:** Senators Gary A. Lee, Ron Carlisle, Karen K. Krebsbach, Richard Marcellais, Dave Nething, George L. Nodland, David O'Connell; Representatives Robert Frantsvog, Ed Gruchalla, Brenda Heller, Bob Hunsakor, Karen Karls, Jerry Kelsh, Matthew M. Klein, William E. Kretschmar, Mark S. Owens, Dan Ruby, Don Vigesaa

**Member absent:** Senator Terry M. Wanzek

**Others present:** See [Appendix A](#)

**It was moved by Senator Nething, seconded by Senator O'Connell, and carried on a voice vote that the minutes of the May 10, 2012, meeting be approved as distributed.**

#### TRANSPORTATION UPDATE

Mr. Francis Ziegler, Director, Department of Transportation, gave a presentation ([Appendix B](#)) on the TransAction III transportation plan, federal funding, a review of construction projects, and comments on bill drafts. He said the goal of the department is to have the TransAction III plan completed before the legislative session. He said federal funding through the MAP-21 bill will be apportioned \$240.5 million in 2012 and 2013 and \$242.5 million in 2014. He said Congress has not yet passed a bill to give states obligational authority for fiscal year 2013, and the department has received \$225 million of obligational authority in 2012. He said there is \$228 million in funding for oil impact areas. He said the construction program for 2012 is approximately \$550 million. He said there is \$142 million in funding for oil impact county projects.

In response to a question from Senator Carlisle, Mr. Ziegler said the department is working on the budget for the next biennium.

In response to a question from Representative Klein, Mr. Ziegler said the shortage of personnel is getting better but the department is short approximately 25 personnel in key spots. He said the department has instituted oilfield pay differential and subsidizes apartments in Williston. He said the department uses consultants for engineers, and the Williston staff does not do any engineering but manages consultants who are engineers. He said the Williston district is doing approximately \$300 million in work.

In response to a question from Senator Nething, Mr. Ziegler said some cities want speeds reduced as traffic comes into the city. He said the department has reduced the speed limit going into Watford City at the request of the city. He said a speed limit is lowered after an engineering study and a determination is made by the Director of the Department of Transportation and the Superintendent of the Highway Patrol. He said he is satisfied with the state law addressing this issue. He said as four-lane undivided roads are built, the speed limit may need to be addressed.

In response to a question from Senator Nething, Mr. Ziegler said the most recent bids are coming in under the estimates. He said engineers have been raising the estimates because of market pressures.

Mr. Grant Levi, Deputy Director for Engineering, Department of Transportation, answered questions for the committee. In response to a question from Senator Nething, Mr. Levi said last year there was 23 percent inflation and this year there is 12 percent inflation. He said the engineers adjust estimates to match the market and have been closer to or over the actual bids due to the reduction in inflation.

In response to a question from Senator Nething, Mr. Ziegler said the temporary motor vehicle registration law has been helpful in dealing with registering out-of-state vehicles.

In response to a question from Representative Vigesaa, Mr. Ziegler said the bidding process has become more competitive because of increased bids from out-of-state contractors. He said there were nine bidders on a recent grade raise.

In response to a question from Representative Ruby, Mr. Ziegler said requests for interchanges are increasing. He said the two interchanges at Williston will cost \$25 million each. He said the department received a request for an interchange from Grand Forks on August 21, 2012.

In response to a question from Representative Ruby, Mr. Levi said requests for interchanges are not limited to the western part of the state and are made as a result of new businesses building next to the interstate.

In response to a question from Senator Lee, Mr. Ziegler said the plan is to have four-lane traffic from Watford City to Williston before the end of the next biennium.

In response to a question from Senator Lee, Mr. Ziegler said easements are difficult to obtain

around cities because of the not-in-my-backyard attitude. He said a four-lane undivided highway takes less space than a divided highway. He said landowners want \$40,000 to \$50,000 an acre for land around cities in oil country.

In response to a question from Senator Nething, Mr. Ziegler said the department has never been pushed as hard as it is being pushed now due to the level of construction. He said staff in Bismarck does the majority of the design work. He said overtime is mandatory.

In response to a question from Senator Nething, Mr. Ziegler said burnout is an issue, and the increased workload causes physical stress on employees.

In response to a question from Representative Kretschmar, Mr. Ziegler said the rumble strips in the middle of the highway are a safety program. He said for every complaint there are three or four people who like the rumble strips. He said rumble strips address distracted driving. He said nationally there is a reduction in fatalities of 40 percent in states with center rumble strips. He said in this state there have been 92 fatalities this year and 47 last year.

### **BILL DRAFT TO REWRITE NORTH DAKOTA CENTURY CODE CHAPTER 39-06 FOR CONSISTENCY AND CLARITY**

Committee Counsel presented the second draft of a bill draft [\[13.0028.02000\]](#) to provide consistency and clarity and fee consolidation for Chapter 39-06 relating to the privilege to operate a motor vehicle in this state. He said the language on page 22, lines 8 through 13, should be moved to the end of the sentence on page 21, line 28. He said on page 47, line 21, the word "impose" should be changed to "reimpose". He said the sentence on page 48, lines 7 through 10, should be overstruck. He said on page 51, the sentence starting on line 15 and ending on line 17 should be overstruck.

In response to a question from Representative Ruby, Committee Counsel said the sole purpose for the fee schedule was to consolidate the fees, and no fee amounts were changed.

**It was moved by Representative Gruchalla, seconded by Senator Carlisle, and carried on a roll call vote that the bill draft to rewrite Chapter 39-06 be amended as recommended by Committee Counsel.** Senators Lee, Carlisle, Krebsbach, Marcellais, Nething, Nodland, and O'Connell and Representatives Frantsvog, Gruchalla, Heller, Hunskor, Karls, Kelsh, Klein, Kretschmar, Owens, Ruby, and Vigesaa voted "aye." No negative votes were cast.

**It was moved by Senator Carlisle, seconded by Representative Gruchalla, that the bill draft, as amended, relating to the rewrite of Chapter 39-06 for consistency and clarity be approved and recommended to the Legislative Management.** Senators Lee, Carlisle, Krebsbach, Marcellais,

Nething, Nodland, and O'Connell and Representatives Frantsvog, Gruchalla, Heller, Hunskor, Karls, Kelsh, Klein, Kretschmar, Owens, Ruby, and Vigesaa voted "aye." No negative votes were cast.

### **BILL DRAFT TO CONSOLIDATE COMMERCIAL DRIVER'S LICENSE FEES**

Committee Counsel presented a second draft of a bill draft [\[13.0064.02000\]](#) to consolidate the fees for commercial driver's licenses. He said changes were made to improve the consistency and clarity. He said on page 1, lines 19 and 20, "this or another" was changed to "a". He said on page 2, line 21, "six months" was changed to "one hundred eighty days". He said the term "person" was changed to "individual" on page 4 of the bill draft. He said a cross-reference on page 7, line 5, was corrected, and the words which were added in the first draft--"employer or"--were removed from Section 39-06.2-13.1.

**It was moved by Representative Ruby, seconded by Senator Krebsbach, and carried on a roll call vote that the bill draft to consolidate commercial driver's license fees be approved and recommended to the Legislative Management.** Senators Lee, Carlisle, Krebsbach, Marcellais, Nething, Nodland, and O'Connell and Representatives Frantsvog, Heller, Hunskor, Karls, Kelsh, Klein, Kretschmar, Owens, Ruby, and Vigesaa voted "aye." No negative votes were cast.

### **BILL DRAFT ON THE DESTRUCTION OF NUMBER PLATES FOR CERTAIN OFFENSES**

Committee Counsel presented a second draft of a bill draft [\[13.0065.02000\]](#) to provide for the destruction of license plates for driving while under the influence and driving while under suspension instead of impoundment. He said the only change in the second bill draft was directed at the last meeting and was to add a notification of the department by the court of the order to destroy the license plate.

In response to a question from Representative Ruby, Committee Counsel said violation of a court order is punishable by the court.

Ms. Linda Butts, Deputy Director, Driver and Vehicle Services, Department of Transportation, said the department has 46 boxes of impounded plates. She said the plates will be sent to Roughrider Industries to be recycled.

In response to a question from Senator Lee, Ms. Butts said the numbers on the plates that have been impounded will never be reused.

In response to a question from Senator Nodland, Committee Counsel said the use of the term "sheriff" for the person that destroys the number plates for driving while under suspension or revocation and the term "police officer" for the destruction of number plates for driving while under the influence creates the need for an amendment to Section 39-06-42(4). He said that subsection will need to read "A city, may by

ordinance, authorize its municipal judge to order destruction of motor vehicle number plates by the office of the police officer that made the arrest in the manner provided in subsection 3."

In response to a question from Representative Owens, Committee Counsel said with the amendment the court would give the plate to the sheriff in a city that uses a contract with the sheriff for law enforcement.

Mr. Michael D. Reitan, Assistant Chief of Police, West Fargo, answered questions for the committee. In response to a question from Representative Gruchalla, Mr. Reitan said the West Fargo Police Department would recycle plates instead of mutilating the plates.

**It was moved by Representative Kretschmar, seconded by Representative Klein, and carried on a roll call vote that the bill draft on the destruction of number plates for certain plates be amended as recommended by Committee Counsel.** Senators Lee, Carlisle, Krebsbach, Marcellais, Nodland, and O'Connell and Representatives Frantsvog, Gruchalla, Heller, Hunskor, Karls, Kelsh, Klein, Kretschmar, Owens, Ruby, and Vigasaa voted "aye." No negative votes were cast.

**It was moved by Senator Nodland, seconded by Representative Kelsh, and carried on a roll call vote that the bill draft, as amended, relating to the destruction of number plates for certain offenses be approved and recommended to the Legislative Management.** Senators Lee, Carlisle, Krebsbach, Marcellais, Nething, Nodland, and O'Connell and Representatives Frantsvog, Gruchalla, Heller, Hunskor, Karls, Kelsh, Klein, Kretschmar, Owens, Ruby, and Vigasaa voted "aye." No negative votes were cast.

In response to a question from Representative Kelsh, Committee Counsel said under the definitions under Section 39-01-01 a police officer is anyone who enforces traffic laws.

### **BILL DRAFT TO DEFINE CLASS III OFF-HIGHWAY VEHICLES**

**It was moved by Senator Nething, seconded by Representative Owens, and carried on a voice vote that the action by which the committee recommended the first draft of a bill draft relating to the definition of Class III off-highway vehicles be reconsidered.**

Committee Counsel said the bill draft was first recommended by the Department of Transportation for changes in subdivision c to allow for Argos and SnoBears to be registered as off-highway vehicles. He said after the committee approved the bill draft other changes were requested. He said in the second bill draft [[13.0071.02000](#)] changes in subdivision b relate to making the law match what is being manufactured. He said he recommended that on page 2, line 2, after "39-04" the words "or chapter 39-24" be inserted to clarify that snowmobiles

are not off-highway vehicles. He said the definition of snowmobile in Section 39-24-01 should be changed so that SnoBears cannot be registered as snowmobiles. He said the Parks and Recreation Department has recommended defining snowmobiles as "a self-propelled vehicle intended for off-road travel primarily on snow, having a curb weight of not more than 1,750 pounds [793.783 kilograms], driven by track or tracks in contact with the snow, and steered by a ski or skis in contact with the snow and that is no wider than 48 inches. The term does not include an off-highway vehicle as defined in Chapter 39-29 converted to operate with tracks."

Mr. Arik Spencer, Parks and Recreation Department, answered questions for the committee. In response to a question from Representative Ruby, Mr. Spencer said Class I vehicles are dirt bikes. He said Class II vehicles have a bench seat or straddle seat. He said Class III vehicles are usually quite large and only have a bench seat.

In response to a question from Representative Gruchalla, Mr. Spencer said the change in the definition will prevent a SnoBear from operating on a snowmobile trail.

In response to a question from Representative Gruchalla, Ms. Butts said a SnoBear is a Class III off-highway vehicle.

Ms. Butts said the Department of Transportation recommends on page 1, line 21, to replace "or" with an underscored comma and on page 1, line 22, after "handlebars" insert ", or t steering".

**It was moved by Senator Nething, seconded by Representative Owens, and carried on a roll call vote that the amendments recommended by Committee Counsel, the Parks and Recreation Department, and the Department of Transportation be made to the bill draft to define off-highway vehicles.** Senators Lee, Carlisle, Krebsbach, Marcellais, Nething, Nodland, and O'Connell and Representatives Frantsvog, Gruchalla, Heller, Hunskor, Karls, Kelsh, Klein, Kretschmar, Owens, Ruby, and Vigasaa voted "aye." No negative votes were cast.

**It was moved by Senator Carlisle, seconded by Representative Ruby, that the bill draft relating to the definition of off-highway vehicles, as amended, be approved and recommended to the Legislative Management.** Senators Lee, Carlisle, Krebsbach, Marcellais, Nething, Nodland, and O'Connell and Representatives Frantsvog, Gruchalla, Heller, Hunskor, Karls, Kelsh, Klein, Kretschmar, Owens, Ruby, and Vigasaa voted "aye." No negative votes were cast.

### **ADMINISTRATIVE PROCEDURES AND FEES AND POINTS FOR TRAFFIC OFFENSES**

Committee Counsel presented a memorandum entitled [Traffic Offense Procedure, Fees, and Points](#).

He said the memorandum contains a table of fees and fines charged by this and surrounding states.

**BILL DRAFT ON CHAPTER 39-06.1 AND TRAFFIC OFFENSE ADMINISTRATION**

Committee Counsel presented the second draft of a bill draft [13.0078.02000] to improve the consistency and clarity in Chapter 39-06.1, which relates to the disposition of traffic offenses, fees, and demerit points for offenses. He said there are four changes to the first draft which are mainly cleanup. He said everything but the cross-reference change in Section 39-06-35 is new and is cleanup. He said on page 6, line 11, the term "fair" was removed by the committee through motion at the last meeting. He said on page 7, line 4, "pursuant to either" is changed to "under". He said on pages 21 and 22 the term "restricted license" is changed to "temporary restricted license" for purposes of consistency. He said all other changes are cleanup.

**It was moved by Representative Klein, seconded by Senator Nething, and carried on a roll call vote that the bill draft relating to consistency and clarity in Chapter 39-06.1, which relates to the disposition of traffic offenses, fees, and demerit points be approved and recommended to the Legislative Management.** Senators Lee, Carlisle, Krebsbach, Marcellais, Nething, Nodland, and O'Connell and Representatives

Frantsvog, Gruchalla, Heller, Hunskor, Karls, Kelsh, Klein, Kretschmar, Owens, Ruby, and Vigesaa voted "aye." No negative votes were cast.

In response to a question from Representative Gruchalla, Ms. Butts said multiple offenses under two points are not reported to an insurance company.

Representative Gruchalla said the point system does not seem to improve behavior if a person can run a red light five times and not have any increase in insurance rates. He said if all two-point offenses were raised to three points, insurance companies would be notified and the behavior would be affected.

Representative Ruby said points do not affect out-of-state drivers. He said the points do not transfer to other states. He said this is not equitable. He said the point system is not a deterrent or equitable.

**BILL DRAFT TO INCREASE SPEEDING FEES**

Committee Counsel presented a bill draft [13.0120.01000] to increase speeding fees. He said the bill draft contains two concepts. He said the first concept is a basic fee added to the schedule. He said the other concept is to reduce the schedules from three to two and make the schedules easier to explain and understand.

Committee Counsel provided the following table of the fees under the bill draft:

MPH Over Limit	65 MPH and Lower Limit	70 and 75 MPH Limit
1-5	\$2 - \$10 + \$20 = \$22 - \$30	\$6 - \$30 + \$20 = \$26 - \$50
6-10	\$18 - \$30 + \$20 = \$38 - \$50	\$42 - \$70 + \$20 = \$62 - \$90
11-15	\$44 - \$60 + \$20 = \$64 - \$80	\$88 - \$120 + \$20 = \$108 - \$140
16-20	\$80 - \$100 + \$20 = \$100 - \$120	\$144 - \$180 + \$20 = \$164 - \$200
21-25	\$126 - \$150 + \$20 = \$146 - \$170	\$210 - \$250 + \$20 = \$230 - \$270
26-35	\$186 - \$245 + \$20 = \$206 - \$265	\$260 - \$350 + \$20 = \$280 - \$370
36-45	\$288 - \$360 + \$20 = \$308 - \$380	\$360 - \$450 + \$20 = \$380 - \$470
46+	\$460 + \$20 = \$480 + \$10 for each additional mph over the limit	\$460 + \$20 = \$480 + \$10 for each additional mph over the limit

Committee Counsel provided a handout (Appendix C) from the West Fargo Police Department on the cost of issuing a citation--\$79.

In response to a question from Representative Owens, Committee Counsel said the bill draft to allow cities to double fees did not pass.

In response to a question from Senator Nodland, Committee Counsel said the fees were changed in the bill draft to keep the fees in the proportion the fees were under the previous tables and to provide simplicity.

Representative Ruby said state highways are engineered to be driven with higher speeds. He said in the past the legislature has discussed simplifying the fees. He said 15 miles per hour over on a city street would be very dangerous and may not be as dangerous on a highway.

Representative Kretschmar said he advocated increased fees. He would support any reasonable increase, and the bill draft was a starting point.

Mr. Reitan said the bill draft is a step in the right direction and has had favorable comments from law enforcement. He said these fees truly would be a deterrent and would save lives. He said 90 percent of crashes relate to driver behaviors, and those behaviors can be modified by having severe enough penalties.

Representative Kelsh said most officers do not give a ticket until 10 miles over the limit. He said fees for speeding in a city should be higher than in other areas.

Senator Nething said it is hard to draft a bill on which everyone would agree. He said the bill draft is a good starting point. He said this bill draft is the only circulated idea at present. He said there is room for continued discussion.

Representative Ruby said he agreed with Senator Nething and thought the cities would be pleased that the amounts are increasing. He said the provision that treats speeding in a school zone the same as speeding in a construction zone was a good idea. He

said he does not think the bill draft would pass in the current form.

**It was moved by Representative Ruby, seconded by Representative Kretschmar, and carried on a roll call vote that the bill draft relating to the increase in speeding fees be approved and recommended to the Legislative Management.** Senators Lee, Carlisle, Krebsbach, Marcellais, Nething, Nodland, and O'Connell and Representatives Frantsvog, Gruchalla, Heller, Hunskor, Karls, Kelsh, Klein, Kretschmar, Owens, Ruby, and Vigesaa voted "aye." No negative votes were cast.

### **BILL DRAFT TO MOVE REGULATION OF COMMERCIAL DRIVER TRAINING SCHOOLS TO THE DEPARTMENT OF TRANSPORTATION**

Committee Counsel presented a bill draft [[13.0122.01000](#)] to move the regulation of commercial driver training schools from the Highway Patrol to the Department of Transportation.

Ms. Butts said until the 1980s the Highway Patrol officers were the driver's license examiners. She said at that time the duties of the Highway Patrol were moved to the Department of Transportation, but regulation of commercial driver training schools remained with the Highway Patrol. She said the Highway Patrol wants the Department of Transportation to have the duty, and the Department of Transportation recommends the duty belongs with the Department of Transportation.

In response to a question from Senator Lee, Ms. Butts said the transfer will not require any additional staff and is not a very large program.

**It was moved by Senator Nething, seconded by Representative Kelsh, and carried on a roll call vote that the bill draft relating to the transfer of the regulation of commercial driver training schools from the Highway Patrol to the Department of Transportation be approved and recommended to the Legislative Management.** Senators Lee, Carlisle, Krebsbach, Marcellais, Nething, Nodland, and O'Connell and Representatives Frantsvog, Gruchalla, Heller, Hunskor, Karls, Kelsh, Klein, Kretschmar, Owens, Ruby, and Vigesaa voted "aye." No negative votes were cast.

### **BILL DRAFT TO MAKE COMMERCIAL DRIVER'S LICENSE LAWS CONSISTENT WITH FEDERAL REGULATIONS**

Committee Counsel presented a bill draft [[13.0123.01000](#)] to make commercial driver's license laws consistent with federal regulations.

Ms. Butts said the Department of Transportation would like the following changes to be made to mimic federal language. The changes are:

- Page 2, line 2, after "or more" insert ", whichever is greater."

- Page 2, line 4, after "[4,536 kilograms]" insert ", whichever is greater".
- Page 2, line 5, replace "or gross combination weight" with "gross vehicle weight".
- Page 2, line 6, after "[11793.40 kilograms]" insert ", whichever is greater".

Committee Counsel said the Department of Transportation also wanted to remove line 19 on page 7 and make the necessary changes as a result of that removal. He said the reference on page 9, line 6, should be changed to "49 CFR 383.153(c)".

Ms. Syndi Worrel, Drivers License Division, Department of Transportation, answered questions for the committee. In response to a question from Representative Ruby, Ms. Worrel said the holder of a permit is not eligible for a license until that individual has had the permit for at least 14 days. She said this is part of the new federal regulations.

In response to a question from Representative Ruby, Ms. Worrel said a person who lets that person's commercial driver's license lapse would have to obtain a permit and wait 14 days before testing. She said some sites have a 25-day to 35-day wait to test because of the workload.

**It was moved by Representative Gruchalla, seconded by Representative Kretschmar, and carried on a roll call vote that the amendments proposed by the Department of Transportation and Committee Counsel be adopted.** Senators Lee, Carlisle, Krebsbach, Marcellais, Nething, Nodland, and O'Connell and Representatives Frantsvog, Gruchalla, Heller, Hunskor, Karls, Kelsh, Klein, Kretschmar, Owens, Ruby, and Vigesaa voted "aye." No negative votes were cast.

**It was moved by Senator Carlisle, seconded by Representative Vigesaa, and carried on a roll call vote that the bill draft, as amended, relating to federal regulations of commercial driver's licenses be approved and recommended to the Legislative Management.** Senators Lee, Carlisle, Krebsbach, Marcellais, Nething, Nodland, and O'Connell and Representatives Frantsvog, Gruchalla, Heller, Hunskor, Karls, Kelsh, Klein, Kretschmar, Owens, Ruby, and Vigesaa voted "aye." No negative votes were cast.

Ms. Butts said in the first 13 months of this biennium, the Department of Transportation has sold 8,814 temporary registrations for a total of \$2,658,290. She said in 2010 approximately 5,000 temporary registrations were issued for a total of \$583,000.

In response to a question from Senator Nodland, Ms. Butts said that generally temporary registration stickers are in the left rear window.

Senator Nodland said people see out-of-state plates but do not see the temporary registration and think that the vehicles are not registered. He said law enforcement likes the placement of the window sticker for enforcement.

In response to a question from Senator Lee, Ms. Butts said a person needs to register that

person's vehicle in this state upon becoming gainfully employed.

Ms. Butts said the cost of issuing a license or an identification card or providing an abstract is approximately \$4.45. She said new federal regulations allow for military commercial driver's licenses to be honored by a state if a skills test is taken.

Ms. Butts said all states are in compliance and bus commercial driver's licenses are accepted from state to state.

### **EMERGENCY SERVICES COMMUNICATIONS COORDINATING COMMITTEE REPORT**

Mr. Terry Traynor, Secretary, Emergency Services Communications Coordinating Committee, presented the written report ([Appendix D](#)) of the Emergency Services Communications Coordinating Committee. He said this was the sixth report issued by the coordinating committee. He said a fee of \$1.50 per communications device per month may be imposed for the operation of emergency services communications in an area. He said this fee provides \$9.5 million of the \$15.7 million per year for operating the system. He said there was a 22 percent increase in calls from last year with the same amount of people. He said there is one call every eight minutes. He said with other dispatching duties, there is a duty to complete every 25 seconds. He said the coordinating committee urges the Transportation Committee to review and consider recommending the changes in the bill draft to extend deadlines. He said the coordinating committee suggests the current fee structure remain in place for the next biennium. He said several significant studies, component developments, system evaluations, and pilot projects have been completed or are underway to guide Next Generation 911 implementation in North Dakota. He said as several critical elements are nearing completion, the coordinating committee will submit an addendum to this report to detail its recommendations.

In response to a question from Representative Ruby, Mr. Traynor said texting is a small component of enhanced 911. He said the telephone system is moving away from analog systems and moving toward digital. He said a digital system can receive text, video, and automatic information from fleet vehicles.

In response to a question from Representative Ruby, Mr. Traynor said OnStar communications could be technically included, but it would take policy changes at the state and federal levels.

In response to a question from Senator Nodland, Mr. Traynor said texting provides a digital signal that cannot be accepted by a public safety answering point.

In response to a question from Senator Krebsbach, Mr. Traynor said the Virginia Tech tragedy showed that many people text when there is an emergency.

In response to a question from Representative Vigesaa, Mr. Traynor said although South Dakota has twice as many public safety answering points as this state, the service is not better. He said the number of public safety answering points has to do with history and our State Radio system. He said technologically, every call could go to one area if the radio technology were the same. He said this state has consolidated more because of the centralized radio technology in State Radio.

In response to a question from Representative Vigesaa, Mr. Traynor said there is not a move to increase the public safety answering points in western North Dakota. He said some areas are looking at downsizing by moving smaller public safety answering points into larger public safety answering points in western North Dakota.

In response to a question from Senator Nodland, Mr. Traynor said the emergency services communications system is handling calls well, but when anhydrous was spilled in Minot the calls overwhelmed the system. He said there are pilot programs that are working to have public safety answering points work for each other when there is a problem. He said it is difficult to retain dispatchers in oil country. He said there is a high volume of calls, and the job is stressful.

In response to a question from Representative Frantsvog, Mr. Traynor said there are 23 systems that operate 24/7.

In response to a question from Senator Lee, Mr. Traynor said if a public safety answering point goes down, the telephone company can transfer the calls to a different public safety answering point but that takes minutes. He said this is not ideal for the attendant radio communications. He said there needs to be systems in place to transfer the calls immediately.

### **BILL DRAFT TO EXTEND DEADLINES FOR PUBLIC SAFETY ANSWERING POINTS**

Committee Counsel presented a bill draft [[13.0143.01000](#)] to increase the deadlines for public safety answering points by two years to be staffed continuously by at least one public safety telecommunicator, to transfer emergency calls to another public safety answering point within 60 minutes upon becoming inoperative, and to have up-to-date mapping and longitude and latitude for direct responders.

**It was moved by Senator Nething, seconded by Representative Gruchalla, and carried on a roll call vote that the bill draft relating to deadlines for public safety answering points be approved and recommended to the Legislative Management.** Senators Lee, Carlisle, Krebsbach, Marcellais, Nething, Nodland, and O'Connell and Representatives Frantsvog, Gruchalla, Heller, Hunsakor, Karls, Kelsh,

Klein, Kretschmar, Owens, Ruby, and Vigesaa voted "aye." No negative votes were cast.

### SPECIAL ROAD STUDY

Mr. Michael Gunsch, Friends of Lake Sakakawea, presented written testimony ([Appendix E](#)) on recommendations for funding for special roads. He said the Department of Commerce should be appropriated \$150,000 to complete a study as recommended to the committee earlier. He said there should be a direct appropriation into the special road fund. He said the fund should be distributed with a 10 percent cost-share by local authorities or private sources. He said the money should be available for four years because it would take time to plan for the improvements. He recommended \$20 million. He recommended increasing the membership on the Special Road Committee to include a representative from the Department of Commerce and the State Historical Society. He said he has had meetings with the Department of Commerce and the Parks and Recreation Department looking for funding. He said he has an appointment with the Governor for adding it to the Governor's budget. He said the \$20 million appropriation is \$5 million per year over four years. He said the study would help legislators in deciding if more money is necessary.

In response to a question from Senator Carlisle, Mr. Gunsch said the study would help justify the expenditure to the larger population and be the basis for future expenditures.

In response to a question from Senator Carlisle, Mr. Gunsch said he is discussing including funding in the Governor's budget with the executive branch.

In response to a question from Representative Frantsvog, Mr. Gunsch said conceivably the need is greater than \$20 million.

### COMMITTEE DISCUSSION

Senator Nething said providing funding for special roads is a worthy effort. He said he has concerns that there are other areas besides Lake Sakakawea that need the same type of help.

Senator Lee said requests for special road funding come from all over the state. He said there is very limited funding.

Senator Nething said an appropriation to the fund should include language that the funding is for the entire state.

Senator Lee said the ground rules and structure are in place with the Special Road Committee. He said in a recent legislative session the percentage of interest on the highway fund going to the special road fund was increased to 80 percent.

Representative Ruby said he likes the present system. He said Lake Sakakawea is a large revenue source for the state.

**It was moved by Representative Owens, seconded by Senator Carlisle, and carried on a voice vote that the Chairman and the staff of the Legislative Council be requested to prepare a report and the bill drafts recommended by the committee and to present the report and recommended bill drafts to the Legislative Management.**

**It was moved by Representative Owens, seconded by Representative Karls, and carried on a voice vote that the committee be adjourned sine die.**

Chairman Lee adjourned the meeting sine die.

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Timothy J. Dawson  
Committee Counsel

ATTACH:4